



Delighting You Always

4 June 2018

By Email: corporate@pdpc.gov.sg

Attention: Personal Data Protection Commission, Singapore (“PDPC”)

Dear Sirs,

Public Consultation for Managing Unsolicited Commercial Messages and the Provision of Guidance to Support Innovation in the Digital Economy (Issued 27 April 2018)

We refer to the subject matter.

Please find in the Schedule to this letter the feedback on selected questions of Canon Singapore Pte. Ltd. for your consideration.

Please contact the undersigned at Tel: 6796 3697 or janette_loh@canon.com.sg should you have any queries.

Thank you.

Yours sincerely,

Janette Loh
General Counsel
Legal, IP & Regulatory Division
Canon Singapore Pte. Ltd.



Schedule

Question 3

What are your views on the proposed reduction of the period for effecting withdrawal of consent to 10 business days, in line with the period to effect an unsubscribe under the Spam Control Provisions.

Comment:

While we agree with the benefit of being able to streamline processes based on a consistent period, we are of the view that the period need not necessarily be with reference to the 10 business days under the SCA. We note that the PDPC has not raised specific concerns that the 30 days under the DNC provisions is currently too long. In addition, most organisations would likely have in more recent years following the enactment of the DNC Provisions in 2014 (as opposed to back in 2007 when the SCA was enacted), planned their processes (including costs incurred) around the period of 30 days. We propose that it would be more commercially practicable to align the notice period to the 30 days under the DNC provisions.

Question 5

Should B2B marketing messages be subject to the requirements under the DNC Provisions, in alignment with the coverage under the Spam Control Provisions?

Comment:

We submit that B2B marketing messages should continue to be exempted and not be subject to the requirements under the DNC Provisions. B2B marketing is a legitimate business activity and its inclusion into such a provision will impede economic activity and unnecessarily increase business costs and compliance issues, without addressing the duality of phone numbers to be used in both personal and organisational capacity at the same time.

Question 6

What are your views on the proposal for the DNC Provisions to be enforced under the administrative regime?

Comment:

We support this proposal. We believe that in most breaches, there is no intentional neglect and the PDPC should be empowered to have greater discretion to decide on and impose wider range of remedies depending on the facts of each case.



Question 7

What are your views on the proposed obligation to communicate accurate DNCR results, and liability on third-party checkers for any infringements of the DNC Provisions resulting from inaccurate information they provided.

Comment:

We support this proposal. Many organisations may not have the resources to conduct the checks may then outsource this function for a fee. The proposed obligations will help promote the quality of such checks as well as give greater assurance to organisations of the ability to rely on such third party checks.

Question 10

What are your views on the proposed Enhanced Practical Guidance framework?

Comment:

We support the implementation of the proposed framework. However, it is not so clear to us whether guidance under this framework can be sought strictly only in respect of an existing business activity. If it is a case where guidance under this framework is intended to be sought strictly only in respect of an existing business activity, it is our proposal that the framework be expanded to cover proposed business activities as well to encourage organisations who have a genuine interest in ensuring full compliance with the PDPC provisions. Continuing rapid technological advancements will no doubt have an impact on the way organisations conduct their activities, including in ensuring compliance with personal data protection laws. It would be unduly restrictive to limit the enhance framework to only existing business activities (and which would be more akin to a voluntary disclosure regime) and which would be inconsistent with the objectives outlined in paragraph 5.3.

